

C O P Y *in opinion*

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December 14, 1954

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Hon. James G. Cleveland, Chairman
Fact Finding Committee on Highway Land Damage
State House
Concord, New Hampshire

CONCORD, N.H.

Dear Sir:

You have inquired what control the Governor and Council have over the work of highway land damage commission members. Certain aspects of this were covered by my opinion of February 2, 1954 to the Governor and Council, copy of which opinion is attached, which dealt with the law as it then existed.

Law of 1954, c. 1 altered the situation to provide for Governor and Council review of awards by commissions.

Members of land damage commissions are public officers appointed by the governor and council. They are subject to fine of not exceeding fifty dollars upon conviction for willful neglect of any duty of their office. R. L., c. 457, s.30. All officers appointed by the governor and council, or chosen by the legislature, may be removed by the governor, with consent of the council, upon address of both houses of the legislature. R. L. c.26, s.9.

By R. L., c.90, part 4, s.23, as inserted by Law of 1945, c. 198 payment for "the services and expenses of the commissioners" is required to be "with the approval of the governor, with advice of the council" and if certain expenses are determined not to be "necessary" incidental expenses of the state (R.L., c.27, s.1) approval of payment for such services and expenses as are considered not necessary may be withheld.

Very truly yours,

George F. Nelson
Assistant Attorney General

GFN/G
Enc.